

## DIVISION 4. R-5 DISTRICT

### Sec. 59-146. Generally.

The provisions of this division apply to all land, uses and structures in R-5 districts.  
(Ord. No. 361-03, § 3, eff. 5-23-03)

### Sec. 59-147. Uses allowed in this district.

The following is a list of uses with notations as to whether they are permitted, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in this district. Permitted uses are uses by right.

#### TABLE INSET:

Key: P = Permitted L = Uses permitted with limitations SR = Uses permitted after special review * = Need not be enclosed	
Use	R-5
Residential	
Assisted living facility	P
Nursing home, hospice	L11/SR
Residence for older adults	P
Residential, institutional/special	L13
Retail, service, office	
Office: nondental, nonmedical	L64
Industrial, wholesale, transportation, utilities	
Helipad, helistop, heliport*	L98
Parking of vehicles*	L105
Railway right of way	P
Arts, entertainment, recreation, institutions	
Child care center	P
Church, religious institution	P
Clinic, office, laboratory, dental or medical	L134
Community or senior center or recreational facility	P
Conference center, meeting hall	L138
Fire station	P
Library	P
Museums, other special purpose cultural institutions	L141
Parks, public, open space, associated buildings*	P
Police station	P

School, elementary or secondary	P
School, vocational or professional	L154
University or colleg	P
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)	
Residential care uses (See § 59-82	
Uses allowed by temporary permit (See § 59-86)	

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 57-09, § 7, eff. 1-30-09)

#### **Sec. 59-148. Use chart limitations.**

The following define the limitations enumerated in the use chart in section 59-147:

*L11* Limited to nursing home, hospice with a capacity of twenty-five (25) or fewer residents. Special Review: Nursing home, hospice with a capacity of greater than twenty-five (25) residents; subject to the requirements for neighborhood notification and special review as set forth in the B-2 district.

(Ord. No. 57-09, § 8, eff. 1-30-09)

*L13* Except consular residence.

*L64* Limited to offices for the administration of churches, religious or charitable organizations, and related nonprofit corporations or associations.

*L98* Limited to landing and take off area for police rotorcraft, not including maintenance, repair, fueling or hangar facilities.

*L105* Limited to parking of vehicles for art museum, church, governmental offices, institutions, libraries, schools and universities or colleges.

*L134* Limited to a health care center operated by the department of environmental health or the Denver Health and Hospital Authority as a community facility providing service but not a commodity.

*L138* Limited to retreat center.

*L141* Limited to art museum, public.

*L154* Any school not permitting the use of machinery; other than office machines and mechanical or machinery parts of household appliances used for instruction of or practice by the student. Classes or other school activities not permitted after 11:00 p.m.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-149. Limitations on external effects of uses.**

External effects of uses, as regulated by section 59-92.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-150. Permitted structures.**

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by that structure containing a use or uses by right and a subordinate structure or structures containing only accessory uses. The zone lot for each structure shall be not less than one hundred (100) feet wide at the front setback line for structures and shall contain not less than twelve thousand five hundred (12,500) square feet. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

(b) *Location of structures.* Except as otherwise hereinafter provided, the space resulting from the following setbacks shall be open and unobstructed:

- (1) *Front setback.* All structures shall be set in a distance of not less than twenty (20) feet from each front line of the zone lot; provided, however, that on the two (2) shorter dimensions of any block oblong in shape, the front setback may be reduced to ten (10) feet for structures which face on either longer dimension; and provided further, that detached accessory structures, except those detached accessory structures used as garages or for recreational or outdoor cooking

and eating purposes or gas-fired incinerators, shall be set in a sufficient distance from each front line of the zone lot so that such structures are located only on the rear one-fourth of interior zone lots and on corner zone lots are located only on the rear part of the zone lot which is adjacent to and corresponding with the rear one-fourth of abutting interior zone lots and no closer to the side street right-of-way than thirty (30) feet or one-half the dimension of the corner zone lot, measured perpendicularly from the side street right-of-way, whichever distance is greater.

(2) **Rear setback.** If no alley abuts the rear line of the zone lot, all detached accessory structures and fixtures shall be set in a distance of not less than five (5) feet and all other structures shall be set in a distance of not less than twenty (20) feet from each rear line of the zone lot. If an alley abuts the rear line of the zone lot, detached garages and carports opening directly on the alley shall be set in a distance of not less than five (5) feet from the alley line; detached accessory structures (including garages and carports which do not open directly on the alley) and fixtures for the disposal of trash and garbage may be located on the alley line and all other structures shall be set in a distance of not less than twenty (20) feet from the center line of the abutting alley.

(3) **Side setback.** All structures shall be set in a distance of not less than seven (7) feet and six (6) inches from each side line of the zone lot.

(4) *Permitted encroachments on setback space :*

- a. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
- b. Cornices, eaves and gutters may project three (3) feet into front setback space, five (5) feet into rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width then such projection shall not exceed one-half the width of the side setback space.
- c. Outside stairways may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.
- d. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
- e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback spaces.
- f. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space.
- g. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into any setback space.
- h. Canopies may project any distance into the front setback space.
- i. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
- j. Gas and electric meters may project three (3) feet into any setback space if screened on all sides by a masonry wall. Utility pedestals, transformers or other similar equipment may be installed in any setback area providing they do not exceed a height of three (3) feet.
- k. Flush mounted solar panels may encroach any distance into the setback space.

(Ord. No. 53-08, § 15, eff. 2-8-08)

(5) *Fences, walls and retaining walls.* Fences and walls not exceeding four (4) feet in height may be erected on any part of the zone lot. Fences not exceeding six (6) feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure (see illustration).

- a. Retaining walls in the front setback may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of the zone lot other than the front setback, retaining walls may be built to any height;
- b. Fences located on top of retaining walls in the front set back must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
- c. Fences not exceeding six (6) feet in height on a corner lot where a single or two unit residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure. Fences over four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-150(b)(5) and the accompanying illustration;

GRAPHIC LINK:[Oblong Block](#)

- d. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot; and

- e. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal will not be allowed. Notwithstanding the provisions of section 59-632, nonconforming structures, of the Revised Municipal Code, existing fences and walls which have been constructed of the prohibited materials listed above or other materials not approved by the zoning administrator may not be maintained and any such fences and walls shall be immediately reconstructed of approved materials or removed.
- f. Determination of height. See section 59-2(112.1) fence and wall height measurement.  
(Ord. No. 363-06, § 7, eff. 6-16-06; Ord. No. 605-06, § 5, eff. 9-22-06)

(c) *Bulk of structures.* The R-5 district is a controlled district within the meaning of section 59-96, which section must be checked to determine if there are special limitations on bulk planes or building height in addition to those set forth in this section. Except for eaves, church spires, church towers, flagpoles, antennas, chimneys, flues, flush mounted solar panels or vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are located as follows:

(Ord. No. 53-08, § 16, eff. 2-8-08)

(1) *Ground-level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line, street center line or alley center line adjoining the lot. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.

(2) *Above-ground horizontal line.* The starting line for bulk planes shall be as follows:

- a. For the side area of a zone lot: at a horizontal line which is located directly above the side lot line and passes through a point ten (10) feet above the midpoint elevation of such side lot line;
- b. For the front area of the zone lot: at a horizontal line which is located directly above the center lines of all streets abutting the lot and which passes through a point ten (10) feet above the midpoint of such center lines between the boundary lines of the lot extended; and
- c. For the rear area of the zone lot:

1. With no abutting alley: at a horizontal line which is located directly above the rear lot line and which passes through a point ten (10) feet above the midpoint elevation of such rear lot line; or
2. With an abutting alley: at a horizontal line which is located directly above the center line of the abutting alley or alleys and passes through a point ten (10) feet above the midpoint elevation of such center line between the boundary lines of the zone lot extended.

(3) *Sloping plane.* The bulk planes start at the horizontal lines described above and extend upwards over the lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each additional foot of setback from the horizontal line) until such planes intersect the bulk plane from the opposite lot line.

(d) *Maximum zone lot coverage.* The sum total of the ground area covered by all structures, on a zone lot, shall not exceed sixty (60) percent of the area of the zone lot on which the structures are located.

(e) *Minimum size of dwellings.* Any structure to be occupied in whole or in part for residential purposes shall contain a gross floor area of not less than six hundred (600) square feet.

(f) *Limitations on office uses.* The sum total of the gross floor area of all structures on a zone lot that are used primarily for offices shall not exceed twenty-five (25) percent of the area of the zone lot on which such structures are located, provided that the use or construction of more than one hundred fifty thousand (150,000) square feet of office space on any zone lot shall be subject to the procedures of section 59-41(b) and special review as outlined in this subsection 59-150(f). The zoning administrator may approve the application provided a finding is made that:

- (1) The architectural design of the proposed increased office use is not substantially inconsistent with the character of the surrounding neighborhood (only if the increased office use contemplates new construction);
  - (2) The proposed increased office use will not unreasonably interfere with the appropriate use of adjacent property or create an undue concentration of office uses within the zone lot.
  - (3) The development plan adequately addresses any increased traffic generated by the proposed increased office use.
- (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 24, 25, eff. 12-2-03; Ord. No. 468-05, § 13, eff. 7-15-05)

**Sec. 59-151. Permitted signs.**

The provisions of article V of this chapter on permitted signs shall be in full force and effect in this district.  
(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-152. Off-street parking requirements.**

The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in this district.  
(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-153. Off-street loading requirements.**

The provisions of article VII of this chapter on off-street loading requirements shall be in full force and effect in this district.  
(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-154. Special zone lot plan for planned building groups.**

The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Secs. 59-155--59-160. Reserved.